

LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C.  
 JOSEPH P. GARIN, ESQ.  
 Nevada Bar No. 6653  
 JESSICA A. GREEN, ESQ.  
 Nevada Bar No. 12383  
 9900 Covington Cross Drive, Suite 120  
 Las Vegas, Nevada 89144  
 (702) 382-1500  
 (702) 382-1512 - fax  
[jgarin@lipsonneilson.com](mailto:jgarin@lipsonneilson.com)  
[jgreen@lipsonneilson.com](mailto:jgreen@lipsonneilson.com)

*Attorneys for Defendant  
 KCorp Technology Services, Inc.*

UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA

RUSSELL STEWART, an individual,  
 Plaintiff,

v.

KCORP TECHNOLOGY SERVICES, INC., an  
 Alaska corporation qualified to do business in  
 Nevada; HOWARD ANASTASI, an individual;  
 CHRIS KLETT, an individual; CHUCK  
 QUINLAN, an individual; and DOES 1 through  
 25, inclusive

Defendants.

CASE NO.:

**DEFENDANT KCORP  
 TECHNOLOGY SERVICES, INC.'S  
 PETITION FOR REMOVAL**

TO: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

TO: ALL INTERESTED PARTIES

Defendant KCORP TECHNOLOGY SERVICES, INC. (hereinafter "Defendant" or  
 "KCorp"), pursuant to 28 U.S.C. §§ 1332, 1331 and 1446, removes the instant action  
 under Case No. A-15-729233-C from the Eighth Judicial District Court for the State of  
 Nevada, in and for the County of Clark (the "Action"), to the United States District Court  
 for the District of Nevada. The removal of this case is based on the following grounds:

1     **I. Summary of Pleadings**

2           On December 18, 2015, Plaintiff RUSSELL STEWART (hereinafter referred to as  
3     "Plaintiff" or "Stewart"), filed a Complaint initiating the Action against Defendant in the  
4     Eighth Judicial District Court, Clark County, Nevada. Defendant KCorp received notice of  
5     this action on or about January 4, 2016. A copy of all process and pleadings served in  
6     the state court action are attached as **Exhibit A**. No other pleadings have been filed.

7     **II. Nature of Complaint**

8           The Plaintiff's Complaint alleges that the Defendants discriminated against the  
9     Plaintiff when KCorp terminated the Plaintiff's employment in violation of state law, federal  
10    law and public policy. Plaintiff brings the following causes of action in his Complaint: 1)  
11    Disability Discrimination (Violation of NRS 613.320 et. seq.), 2) Failure to Accommodate  
12    Disability (Violations of the ADA set forth under 42 U.S.C. § § 12101-12213), 3) Failure  
13    to Engage in the Interactive Process (Violations of the ADA set forth under 42 U.S.C. § §  
14    12101-12213), 4) Wrongful Termination in Violation of Public Policy, 5) Intentional  
15    Infliction of Emotional Distress, and 6) Failure to Provide Itemized Wage Statements  
16    Pursuant to NRS 608.110.

17          The Plaintiff requests judgment against the Defendants for 1) general and  
18    compensatory damages, 2) punitive damages in accordance with proof, 3) costs of suit,  
19    including attorney's fees, and 4) for such further relief as the Court deems just and proper.  
20    The Plaintiff demands a trial by jury.

21    **III. Timeliness of Removal**

22          A notice of removal must be filed within 30 days after service of the pleading which  
23    makes the defendant a party to the state action. The thirty-day period begins to run when  
24    a party is properly served. Here, the Plaintiff served KCorp with a copy of the Summons  
25    and Complaint on January 4, 2016. This Notice of Removal is therefore timely filed under  
26    28 U.S.C. § 1446(b) because it is filed within one year of the commencement of this action

27    ///

1 and within thirty (30) days of the date KCorp was served with the Summons and  
2 Complaint.

3 **IV. Statement of Jurisdiction**

4 This Court has original jurisdiction over this Action under 28 U.S.C. § 1332 on the  
5 basis of diversity of citizenship and pursuant to 28 U.S.C. § 1331 as the Plaintiff brings  
6 claims arising out of federal law.

7 Defendant KCorp Technology Services, Inc. is an Alaska corporation. Defendants  
8 Howard Anastasi and Chuck Quinlan are residents of Alaska. Upon information and  
9 belief, Defendant Chris Klett is a Maryland resident. Plaintiff Russell Stewart is a resident  
10 of Nevada. As such, complete diversity exists in this matter.

11 The Plaintiff brings claims for violations of the Americans with Disabilities Act of  
12 1990, better known as the "ADA," which is federally codified at 42 U.S.C. § § 12101-  
13 12213. The ADA is a federal law and accordingly, the Plaintiff's claims arise under federal  
14 law.

15 Given the complete diversity existing in this matter and the fact that the Plaintiff's  
16 claims arise under federal law, there is now a federal question.

17 **V. Conclusion**

18 Defendant KCorp has timely filed a notice of removal of an action for which this  
19 Court has original jurisdiction, and as such, this Action must be removed to this Court.

20 Concurrent with the filing of this Petition for Removal, Defendant is providing notice  
21 to all parties and the Clerk of the Eighth Judicial District Court for the State of Nevada,  
22 County of Clark, pursuant to 28 U.S.C. §1446(d). A true and correct copy of which is  
23 attached hereto as **Exhibit B**.

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1 In filing this Petition for Removal, Defendant KCorp does not waive, and  
2 specifically reserves, all defenses, exceptions, rights, and motions. No statement herein  
3 or omission herefrom shall be deemed to constitute an admission by Defendant KCorp of  
4 any of the allegations of or damages sought in Plaintiff's Complaint.

5 DATED this 2 day of February, 2016.

6  
7 LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C.

8  
9 By: 

10 JOSEPH P. GARIN, ESQ.

Nevada Bar No. 6653

11 JESSICA A. GREEN, ESQ.

Nevada Bar No. 12383

12 9900 Covington Cross Drive, Suite 120

Las Vegas, Nevada 89144

13 (702) 382-1500

14 *Attorneys for Defendant*  
15 *KCorp Technology Services, Inc.*  
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